

1 The Honorable Barbara J. Rothstein
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAWANDEEP DHUNNA,) No.: 2:21-cv-00720-BJR
vs.)
Plaintiff,) STIPULATED MOTION AND ORDER TO
DEPARTMENT OF HOMELAND) CONTINUE DEADLINES
SECURITY, *et al.*,)
Defendants.)

STIPULATION

Plaintiff Pawandeep Dhunna and Defendants the Department of Homeland Security, *et al.*, through their respective counsel, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 10(g) and 16, and hereby jointly stipulate and move for a 90-day extension of (1) the deadline for Defendants to respond to the Complaint, and (2) the deadlines in the Court's order (Dkt. #10) that sets dates for the exchange of Initial Disclosures and filing a Combined Joint Status Report and Discovery Plan.

A court may modify a deadline for good cause. Fed. R. Civ. P. 6(b). Continuing pretrial and trial dates is within the discretion of the trial judge. *See King v. State of California*, 784 F.2d 910, 912 (9th Cir. 1986).

The parties submit there is good cause for an extension of the deadlines as there was when

1 the parties submitted their previous stipulated request for an extension of the deadlines (Dkt. #7,
 2 9). As the parties explained then, statutory authorization related to the EB-5 regional center
 3 program (the program under which the plaintiff filed an I-526 petition) expired at the end of the
 4 day on June 30, 2021. The lapse continues. Due to this lapse in authorization, in general, U.S.
 5 Citizenship and Immigration Services (“USCIS”) will not act on any pending Form I-526 petition
 6 that is dependent on the lapsed statutory authority until further notice. *See*
 7 [https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-
 8 investor-program](https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program) (second alert). In addition, “[a]lthough USCIS is unable to review [the plaintiff’s
 9 Request for Evidence] response at this time, [USCIS] will . . . maintain the response for review if
 10 circumstances change.” A 90-day extension will give the parties time to monitor whether Congress
 11 will renew the statutory authorization related to the regional center program and to assess the
 12 impact of such reauthorization (or lack thereof) on this litigation. Continuing the existing
 13 deadlines for a responsive pleading, initial disclosures, and a joint status report will allow the
 14 parties to conserve resources because they will not have to expend resources completing work on
 15 the case that may become moot (or the issues may change) depending on whether Congress renews
 16 the statutory authorization related to the program.

17 Therefore, the parties agree to and propose new deadlines as follows:

Action	Deadline
Defendants’ responsive pleading	May 9, 2022
Rule 26(f) Conference	April 25, 2022
Exchange initial disclosures	May 2, 2022
File Joint Status Report	May 9, 2022

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: January 19, 2022

s/ Gabrielle D. Schneck

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8 DATED: January 19, 2022

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s/ Michelle R. Lambert

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ORDER

IT IS SO ORDERED.

DATED this 27th day of January, 2022.

Barbara J. Rothstein
BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE

STIPULATED MOTION
AND ORDER
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